

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the non-final Office Action mailed August 17, 2006. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 and 27 – 47 remain pending. In particular, Applicants add claims 27 – 47 and cancel claims 2 – 26 without prejudice, waiver, or disclaimer. Applicants cancel claims 2 – 26 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Anwah spent with Applicants' Attorney, Anthony Bonner, during a telephone discussion on September 15, 2006 regarding the outstanding Office Action. During that conversation, Examiner Anwah and Mr. Bonner discussed claim 2. More specifically, while no agreement was met, Examiner Anwah seemed to indicate that it would be potentially beneficial for Applicants to make amendments contained herein. Thus, Applicants respectfully request that Examiner Anwah carefully consider this response and the amendments.

II. Allowed Subject Matter

The Office Action indicates that claim 1 is allowed. Applicants sincerely appreciate the indication of allowable subject matter.

III. Claims 2 – 26 are Allowable

The Office Action indicates that claims 2 – 26 stand rejected under as allegedly being anticipated or rendered obvious by the cited art. Applicants cancel these claims and consider this issue moot.

IV. New Claims 27 – 47 are Allowable Over the Cited Art

A. New Claim 27 is Allowable

Applicants add new claim 27, which includes a "method for storing messages in a plurality of communications modalities, comprising... generating a temporary mailbox for storing messages of a second protocol... converting the message from the first protocol to the second protocol... [and] destroying the temporary mailbox." For at least the reason that the cited art fails to disclose, teach, or suggest, all of these elements, new claim 27 is allowable.

B. New Claim 34 is Allowable

Applicants add new claim 34, which includes a "system for storing messages in a plurality of communications modalities, comprising... a mailbox generating component configured to generate a temporary mailbox for storing messages of a second

protocol... a message converting component configured to convert the message from the first protocol to the second protocol... [and] a mailbox destroying component configured to destroy the temporary mailbox." For at least the reason that the cited art fails to disclose, teach, or suggest, all of these elements, new claim 34 is allowable.

C. New Claim 41 is Allowable

Applicants add new claim 41, which includes a "computer readable medium for storing messages in a plurality of communications modalities, comprising... mailbox generating logic configured to generate a temporary mailbox for storing messages of a second protocol... message converting logic configured to convert the message from the first protocol to the second protocol... [and] mailbox destroying logic configured to destroy the temporary mailbox." For at least the reason that the cited art fails to disclose, teach, or suggest, all of these elements, new claim 41 is allowable.

D. New Claims 28 – 33, 35 – 40, and 42 – 47 are Allowable

In addition, dependent claims 28 – 33 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 27. Dependent claims 35 – 40 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 34. Dependent claims 42 – 47 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 41. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

V. Alleged Well Known Subject Matter

In addition, in rejecting claims 8 and 19, the Office Action takes Official Notice that the second communication system is an instant messaging (IM) system configured to store the digitized voice signal as an IM message" (OA p. 6, line 15). Applicants respectfully traverse the alleged finding of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required. Additionally, Applicants submit that merely providing a reference (or a couple of references) that allegedly discloses the subject matter in question, does not rise to an evidentiary level of being well known in the industry. Applicants submit that even if the cited references disclose the subject matter in question (a point that the Applicants is are not conceding), presence of that subject matter in a reference does not raise the level of commonality of that subject matter to something of unquestionable fact. For at least this specific and particular reason, Applicants submit that the subject matter in question is not well known in the art.

Applicants additionally submit that particularly in the context of the claimed combination that includes "storing messages using multiple communication modalities," the subject matter in question is too complex for a reasonably skilled person to consider it to be well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art, respectfully traverse the cited Official Notice, but cancel claims 8 and 19 and consider this issue moot.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Anthony F. Bonner Jr. Reg. No. 55,012

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

Customer No.: **38823**